

Apn. No. 09/750,116
Docket No. NEC99P156-ms

Remarks

The amendment to the specification clarifies that the present application is a continuation-in-part of the international application.

Claims 15, 18, and 21-22 are currently amended. Claims 24-26 are new. Claim 15 was amended to correct an obvious error (a carbon with 5 bonds) whose solution is equally obvious. Claim 18 was amended to recite the *resin for resist* of claim 17. Claim 21 was amended to remove the multiply dependent claim language (formerly depending from claim 18, which is multiply dependent) and was amended to conform it to its antecedent basis (~~polymer resin for~~ resist). Claim 22 was amended to conform it to its antecedent basis (~~material composition~~). New claims 24-26 depend directly or indirectly from claim 18 and parallel claims 21-23, which depend directly or indirectly from claim 17. No new matter has been added.

The amendments to the claims were discussed during the interference. In Paper 19 (NEC List of Motions, Item 5), NEC (on behalf of Applicant) asked permission to file amendments to the claims and cited by example the amendment to claim 15, which for the purposes of the interference was submitted and accepted by the Judge. While not all the amendments made herein were expressly discussed with the Judge during the interference, the amendments made herein are within the scope of the amendments proposed to the Judge during the interference, and were contemplated at that time. Paper 19, item 5.

Applicant submits that the proposed amendments of the amended and new claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

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Accompanying this Amendment is a power of attorney from NEC Corporation, the assignee of the entire interest in this application. The power of attorney is executed by Mr. Hideyuki Ogata, General Manager of NEC Corporation's Intellectual Property Licensing Division, and by its terms grants the listed attorney power to act on behalf of NEC Corporation not only in the interference but with respect to this application as well.

An Information Disclosure Statement is being filed separately listing art that has come up, for example, during the interference.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Dated: March 2, 2006


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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Torczon)

NEC CORPORATION
(09/750,116),
Junior Party,

v.

SHIN-ETSU CHEMICAL CO. LTD.
(6,280,898 B1)
Senior Party.

Patent Interference No. 105,297

NEC POWER OF ATTORNEY

002.1376478.1

NEC POWER OF ATTORNEY

NEC Corporation, the assignee of the entire interest of U.S. Patent Application Serial No. 09/750,116, hereby grants the following attorneys power to act on its behalf with respect to that application and patent interference No. 105,297 and to transact all business in the Patent and Trademark Office connected therewith:

George E. Quillin, Reg. No. 32,792
John J. Feldhaus, Reg. No. 28,822
Sean A. Passino, Reg. No. 45,943

The undersigned is authorized to act on behalf of NEC Corporation.


Respectfully submitted,

Dated: April 14, 2005



Mr. Hideyuki Ogata
General Manager
Intellectual Property Licensing Division
NEC Corporation

Under the provisions of 37 CFR 3.73, NEC Corporation hereby establishes its right to take action by stating that documentary evidence of a chain of title from each inventor to NEC Corporation was recorded at reel/frame number 011411/0668 on December 29, 2000.




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CERTIFICATE OF SERVICE

I hereby certify that a copy of NEC Power of Attorney was served on Party Shin-Etsu, in Interference No. 105,297, by facsimile addressed to:

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